United Nations A/53/288

General Assembly

Distr.: General
24 August 1998

Original: English

Fifty-third session
Item 44 of the provisional agenda*
The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

United Nations Verification Mission in Guatemala

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 52/175 of 18 December 1997, by which the Assembly decided to authorize the renewal of the mandate of the United Nations Verification Mission in Guatemala (MINUGUA), originally set out in resolution 51/198 B of 27 March 1997, in order for the Mission to continue to verify compliance with the peace agreements signed between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG). By resolution 52/175, the Assembly extended the Mission's mandate from 1 April to 31 December 1998 and requested me to submit recommendations on the structure and staffing of MINUGUA after that date.

II. Background

2. The package of agreements signed by the Government of Guatemala and the URNG in December 1996 included detailed commitments on political, legislative, social, economic, agrarian, ethnic, military and public security issues, which were bound together into a national peace agenda. The Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements (A/51/796-S/1997/114, annex I) stressed that international verification was essential to the implementation process and to strengthening confidence in the consolidation of peace. Thus, the parties requested that MINUGUA, which up to then had been limited to verifying the Comprehensive Agreement on Human Rights (A/48/928-S/1994/448, annex I) and the human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples (A/49/882-S/1995/256, annex), expand its functions to verify all the signed agreements, and that they also comprise good offices, advisory and support services and public information. Furthermore, the parties requested that the duration of the mandate of MINUGUA be the same as that of the implementation timetable, namely, four years, up to 31 December 2000.

3. The calendar for implementation agreed on by the parties consists of three consecutive phases: the first phase, of 90 days' duration, covered, *inter alia*, the establishment of commissions for the demobilization of URNG members and for the reform of the justice and electoral systems, as well as the promotion of indigenous rights and the modernization of the Legislative Branch; the second phase, which covered the remainder of 1997, emphasized social and productive investment, modernization and decentralization

* A/53/150.

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of the State, public administration reform, rural development, fiscal reform and the restructuring of public security and national defence. The third phase, from 1998 to 2000, covers further development of the above measures, implementation of the outcome of the various commissions and promotion of broad legislative reform on issues such as the Penal Code, the administration of justice, land tenure and the multi-ethnic, multicultural and multilingual nature of Guatemala.

III. State of implementation

4. In its resolution 52/175, the General Assembly considered my report of 31 October 1997, called upon the parties to continue to implement the commitments they entered into in the Comprehensive Agreement on Human Rights and those in the other peace agreements, in particular those contained in the second phase of the timetable; and urged the parties and all sectors of Guatemalan society to further strengthen the efforts towards consensus-building, reconciliation and development, with particular attention to the most vulnerable sectors of society.

5. Progress in the parties' compliance with the Agreements since the adoption of resolution 52/175 was presented in my report to the General Assembly of 4 February (A/52/757). In that report I described some of the achievements of the peace process, namely, progress towards political and cultural pluralism and, in particular, a marked increase in the participation of the indigenous population in national life. I also pointed out a new emphasis in state institutions and society at large on social development and on the need for the State to redirect its efforts towards the country's rural areas and the more vulnerable sectors of society. Notwithstanding these advances, I also indicated that popular support for the peace process was being undermined by shortcomings in public security and by persistent economic and social difficulties. In addition, important commitments, due to have been fulfilled during the second phase of the timetable ending in December 1997, had to be rescheduled for the third phase. Of particular concern were delays in implementing reforms to the fiscal structure of the country, as they could affect the long-term sustainability of the current reforms.

6. Throughout this period, MINUGUA has continued to verify compliance with the commitments of the Comprehensive Agreement on Human Rights and the human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples, and to report separately on this matter. On 8 June 1998, I transmitted to the General Assembly the eighth report of MINUGUA on human rights (A/52/946), covering the period from 1 July 1997 to 31 March 1998, and the Mission's second such report since the signing of the peace agreements. An appendix to the report, including details of selected cases, was also prepared and issued in Guatemala. In that report, the Mission confirmed the trend towards a reduction in the number of human rights violations, which had already been noted in previous reports, and the fact that the human rights violations that it had verified were neither political in nature nor the result of deliberate government policy. At the same time, the Mission noted the continued weakness of state institutions in spite of the current reform process, in particular in the face of the high level of crime in the country. These shortcomings jeopardize the State's ability to fulfil its duty to guarantee human rights to its citizens, a situation which, in turn, limits popular support for the peace process.

7. The assassination on 26 April 1998 of Monsignor Juan José Gerardi, Auxiliary Bishop of Guatemala and Coordinator of the Archbishopric's Human Rights Office (ODHA), shook both Guatemalan society and the international community. His death took place two days after he publicly presented the ODHA report on the Recovery of Historical Memory (REMHI), which offered an account of human rights violations during the internal conflict. The widespread perception in Guatemala that Monsignor Gerardi's killing was politically motivated and linked to his participation in the REMHI has revived memories of past violent practices and, in that sense alone, constitutes a setback for the peace process. It is thus of critical importance that the investigation into this crime be completed, so as to bolster popular confidence in the rule of law and the new perspectives offered by the peace process. MINUGUA is committed to doing everything within its mandate to help in the resolution of the case.

8. I paid an official visit to Guatemala from 21 to 22 July 1998, in order to take stock directly of progress in the implementation of the peace agreements. During the course of that visit, I held meetings with the President and his Cabinet, the leadership of the URNG, the Follow-up Commission, the members of the Historical Clarification Commission, the Archbishop of Guatemala and other actors in the peace process. I also met with representatives of the United Nations system and the international community, who are contributing efficiently to post-conflict peace-building in Guatemala. I found that, while my interlocutors' assessment of the impact of the peace process varied, all were committed to the goals of the Peace Agreements and considered their implementation to be the best avenue for the democratization and development of the country. There

was broad agreement on the importance of moving forward speedily on the constitutional reforms, a new fiscal package and new measures with regard to land and justice. I expressed the full support of the United Nations for this short-term agenda, which is critical to the sustainability and credibility – both domestic and international – of the peace process and which should be completed in time for the next Consultative Group meeting of donor countries to be held in October 1998. I also stressed the importance of ensuring that the electoral campaign for the 1999 presidential elections should not distract the parties and other social actors from the national agenda contained in the Peace Agreements.

9. The Follow-up Commission, the body established under the Peace Agreements with authority to reschedule the parties' commitments, has been working on a new schedule for the third phase of the timetable, in consultation with those sectors of civil society which are directly involved in the implementation process. The parties and the Follow-up Commission recently agreed on a priority agenda to be implemented before the above-mentioned meeting of the Consultative Group, which includes approval by Congress of constitutional reforms, adoption of a package of fiscal measures, advances on the land issue and progress in the reform of the justice system. In the coming weeks, I intend to report to the General Assembly on the parties' compliance with specific commitments of the peace process between January and July 1998.

10. The developments of the past year in Guatemala have also been reported in my report of 31 August 1998 to the General Assembly on the situation in Central America (A/53/315). In that report, I reiterated that the peace agenda represents a blueprint for profound changes in Guatemala and I encouraged the parties, national institutions and society at large to move forward vigorously to make them a reality during the crucial time ahead. I also pledged the continuing support of MINUGUA and the United Nations system to this endeavour.

IV. Structure and staffing of the Mission

11. In my report to the General Assembly (A/52/554) of 31 October 1997, I made recommendations regarding the staffing and structure of the Mission for the biennium 1998-1999. The Assembly took note of these recommendations in its resolution 52/175.

12. Since the adoption of resolution 52/175, the Mission has implemented the changes authorized by the General Assembly, which included the strengthening of the Office of the Deputy Chief of Mission/Field Coordinator; minor adjustments to the staffing of regional offices and sub-offices; providing the Spokesman and the Office of Public Information with national officers to serve as information liaisons in the regions; and an increase in the contingent of civilian police observers and the military liaison team. These changes have strengthened the Mission's ability to carry out its complex mandate. Given the challenging tasks that still lie ahead, I do not propose to introduce further modifications in the structure and staffing of the Mission at this stage in the implementation of the Peace Agreements.

13. Taking into account the situation described in the preceding paragraph, the related financial requirements, inclusive of support staff and operational costs for the period from 1 January 1999 to 31 December 1999, are estimated at approximately $30.2 million.

V. Observations

14. As mentioned above, the Government of Guatemala and the URNG stressed in the Implementation, Compliance and Verification Timetable for the Peace Agreements that international verification was essential to the implementation process and to strengthening confidence in the consolidation of peace. During my recent visit to Guatemala (see para. 8 above), the two parties reiterated their support for the role played by MINUGUA in the peace process. I share the view that, during the period since the signing of the Peace Agreements, the presence of MINUGUA has contributed to keeping the peace process at the forefront of the country's political agenda and, together with the other parts of the United Nations system and international community at large, has assisted in the consolidation of the peace process. In addition, as 1999 is an election year, the Mission will have the delicate task of helping the parties and other sectors of society to keep a steady course towards the implementation of the commitments within the Peace Agreements in a political context inevitably marked by partisan confrontation. I am confident that the Mission will meet this challenge.

15. In reviewing the work of MINUGUA during the past year, I take the opportunity to pay tribute to the six members of the Mission and their pilot who lost their lives in a helicopter crash on 17 March 1998 while on their way to a meeting at an indigenous community in a remote

mountainous region of Guatemala. In remembering them we are reminded of the dedication shown by many of our colleagues in the field as they carry out their daily tasks in the service of peace, in conditions of hardship and risk.

16. Based on the considerations outlined in the preceding paragraphs, I recommend that the General Assembly authorize the renewal of the mandate of MINUGUA beyond 1 January 1999 until 31 December 1999, subject to regular reports on progress in the implementation of the commitments within the Peace Agreements, and that the Mission be provided with the resources referred to in the present report.

Map No. 3839 Rev. 4 UNITED NATIONS
August 1998

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